

Appl. No.: 09/458,602  
Amtd. dated 05/02/2005  
Reply to Office action of 01/31/05

### REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the thorough review of the present application. Based upon the amendments, the following remarks and the filing of the request for continued examination, Applicants respectfully request reconsideration of the present application and allowance of the pending claims.

#### The Present Invention

The present invention includes a method and system for selectively implementing and enforcing Authentication, Authorization and Accounting (AAA) of users accessing a network via a gateway device. According to the present invention, a user may first be authenticated to determine the identity of the user. The authentication capability of the system and method of the present invention can be based upon a user ID, computer, location, or one or more additional attributes identifying a source (e.g., a particular user, computer or location) requesting network access. *The authentication process is completed without the host computer being in a pre-assigned relationship with the gateway device based on pre-defined protocols and requires no special authentication software be installed on the host computer in order to access the network via the gateway device.* Once authenticated, an authorization capability of the system and method of the present invention is customized based upon the identity of the source, such that sources have different access rights based upon their identity, and the content and/or destination requested. For instance, access rights permit a first source to access a particular Internet destination address, while refusing a second source access to that same address.

#### Priority

Applicant has amended the claim language, such that, the term "additional configuration" software is no longer present in independent Claims 1 and 9. Applicant respectfully believes that the newly added terms "special authentication" software and specifically, the teaching that no

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special authentication software need be installed on the user's computer to access the destination network is supported by the provisional application and, therefore, complies with the requirements of the first paragraph of 35 U.S.C. 112.

Applicant does admit that the provisional application does not expressly disclose no special authentication software need be installed on the user's computer to access the destination address. However, such a teaching is inherent in the very nature of the invention. This is because all of the intelligence needed to determine if a client needs authentication resides within the gateway device. If authentication is determined at the gateway device, the gateway device redirects the user to a Web-based login page for entry of username/password, etc as taught in the provisional application. Thus, the present invention uses the standard TCP/IP stack to access the destination network; i.e., no configuration of the IP stack is required to be performed by special software installed on the host computer.

For these reasons we ask that the Examiner kindly reconsider providing the benefit of the priority date of the provisional application.

35 U.S.C. § 102 (b) Rejections

Claims 1-2, 7, 9 and 11-14 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by United States Patent No. 6,253,327, issued to Zhang et al. (the '327 Zhang patent).

Specifically, according to the Office Action, the '978 Fowler patent teaches the following elements of independent Claim 1:

a method for authorizing, authenticating and accounting users having transparent access to a destination network (Abstract), wherein the users otherwise have access to a home network through home network settings resident on the user's computers, and wherein the users can access the destination network without altering the home network settings, comprising:

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receiving at a gateway device a request from a user for access to the destination network (Column 6, lines 24-32 and Column 7, lines 8-10);

identifying an attribute associated with the user based upon a packet received by the gateway device, wherein the packet is transmitted from the user's computer, wherein the user's computer remains configured for accessing the home network (Column 5, lines 20-40), and wherein no additional configuration software need be installed on the user's computer to access the destination network (Column 7, line 66 -- Column 8, line 7);

accessing a user profile corresponding to the user and stored in a user profile database, where the user profile is accessed based upon the attribute associated with the user (Column 7, lines 12-17); and

determining if the user is entitled to access the destination network based upon the user profile (Column 7, lines 12-17).

Applicants respectfully disagree with these grounds for rejection for the following reasons.

The '327 Zhang Patent Does Not Teach or Suggest a Method for Authorizing, Authenticating and Accounting Users in which No Special Authentication Software Need be Installed on the User's Computer to Access the Destination Network

The '327 Zhang patent specifically teaches the use of special client-side authentication software in the form of Point to Point Protocol (PPP) software that is required to reside on each client interfacing with the gateway device and is used in the login process. The specification, at Column 6, lines 24-29, in describing Figure 5, reference number 120, specifically requires that a PPI' dialer application be initiated on the host computer. Additionally, in the teachings of the '327 Zhang patent, once authentication has been performed, the PPP dialer application has to configure the IP stack within the host (client). This is specifically taught at Column 7, lines 58 - 61, in describing Figure 5, reference number 260.

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The present invention, as required by independent Claims 1 and 9, stipulates that no special authentication software need be installed on the user's computer to access the destination network. This is because all of the intelligence needed to determine if a client needs authentication resides within the gateway device. If authentication is determined at the gateway device, the gateway device redirects the user to a Web-based login page for entry of username/password, etc. Thus, the present invention uses the standard TCP/IP stack to access the destination network; i.e., no configuration of the IP stack is required to be performed by special software installed on the host computer.

Based on the fact that the '327 Zhang patent does not teach a method or system for gateway authorization, authentication, and accounting that does not implement and execute special authentication software at the host, the teachings of the '327 Zhang patent are clearly distinguishable from the present invention.

For this reason, applicant respectfully submits that independent Claims 1 and 9, which have been rejected under 35 U.S.C. § 102 (e) as being anticipated by the cited '327 Zhang patent, are patentable.

In addition, the dependent Claims that depend from Claims 1 and 9, specifically Claims 2-8 and 10-15 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

#### 35 U.S.C. § 103 (a) Rejections

Claims 3-6, 8 and 15 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over United States Patent No. 6,253,327, issued to Zhang et al. (the '327 Zhang patent) in view of United States Patent No. 6,434,619, issued to Lim et al. (the '619 Lim patent)

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The rejections under 35 U.S.C. § 103 (a) involve dependent claims. These dependent claims add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

Additionally, the Applicant respectfully points out that the '619 Lim patent is distinguishable from the present invention in the same regard as the '327 Zhang patent.

The Lim '619 Patent Does Not Teach AAA Access Control Absent Reconfiguration, Alteration of the Home Network Settings And/Or Executing Special Software at the User's Computer

The teachings of the '619 Lim patent are distinguishable, in that, they do not teach AAA access control being performed *absent* reconfiguration, alteration of the home network settings, and/or executing special configuration software at the user's computer.

The '619 Lim patent teaches AAA access control occurring downstream at the CSM server. Thus, the '619 Lim patent would require reconfiguration of the user's computer to gain access to the destination network. Moreover, the '619 Lim patent would require reconfiguration of the user's computer to even be able to reach the CSM server across the Internet.

In the present invention, by providing for AAA access control at the gateway device the present invention is able to provide transparent access regardless of configuration, i.e., no special software needs to be installed on the user's computer to access the destination network, no alteration of the home network settings is required and no additional configuration software or agents are required at the user's computer. These limitations are specifically stated in the independent method claim, Claim 1, and the independent system claim, Claim 9.

Thus for the reasons stated above, independent claims 1 and 9, and the dependent claims that add further limitations, are distinguishable from the teachings of the '619 Lim patent and, thus are patentable.

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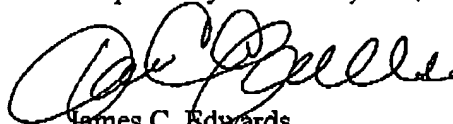
As such, applicant respectfully submits that the dependent claim, which has been rejected under 35 U.S.C. § 103 (a) are not unpatentable by legal standards and, are thus, patentable.

### Conclusion

In view of the proposed amended claims and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

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*May 2, 2005*  
Date

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